

AUSTIN, Monday, January 31, 1853.

House met pursuant to adjournment—roll called—quorum present.

Absentees—Messrs. Bee, Browder, Camp, Cannon, Charlton, Coles, Daggett, Flanagan, Hardeman of C., A. J. Hood, Hord, Lane, Lott, Neal, Pollock, Reid, Russel, Speights, Stewart, Thomson and Titus.

PETITIONS.

Mr. Rossy presented the petition of the Mayor and Aldermen of the city of New Braunfels, praying a change in the boundary line between Comal and Guadalupe counties; referred to the committee on County Boundaries.

Mr. Rossy presented the petition of sundry citizens of Neighborsville in Guadalupe county, praying to be annexed to Comal county; referred to the committee on County Boundaries.

Mr. Fields presented the petition of William Sanderson, administrator of the estate of H. Sanderson, deceased, praying relief; referred to the committee on Claims and Accounts.

Mr. Hamilton presented the petition of Edwin Nash, praying relief; referred to the committee on Public Lands.

Mr. Neal presented the petition of Wm. H. Jones and others, asking relief; referred to the committee on the Judiciary.

Mr. Andrews presented the petition of Sophia J. St John, asking relief; referred to the committee on Public Debt.

REPORTS OF STANDING COMMITTEES.

The committee on the Judiciary, to whom was referred the petition of Enoch Fiveash, reported that the petitioner has a remedy at law, and deem it unwise to interpose legislative action in the premises; and therefore recommend that the petition be laid upon the table.

B. E. TARVER, Chairman.

Report received to come up in its order.

Mr. Tarver, chairman of the committee on the Judiciary, reported that said committee had examined the bill to define the duties of Clerks of the District Courts in certain cases, and recommend its passage with the following amendments:

Strike out "be it further enacted" wherever it occurs in the bill after the first section.

Strike out 3rd section, and insert:

Sec. 3. "For the services required by this act, Clerks of the

District Courts shall receive such compensation as is now paid by law.

Report and bill received to come up in their order.

Mr. Tarver, chairman of the Judiciary committee, reported that they have examined a bill to regulate proceedings in the County Courts, and submit a substitute therefor, and recommend its adoption.

Report, bill and substitute received to come up in their order.

Mr. Tankersly, one of the Judiciary committee, reported that that committee had examined a bill to be entitled an act concerning offences committed by negroes, originating in the Senate, and recommended its passage with the following amendments :

In 2nd section, second line, strike out the words, "against her will." In same section, third line, insert "white," before "female."

In 6th section, add, "not exceeding fifty."

In 7th section, add, "not exceeding thirty-nine."

Sec. 8. Strike out "stripes" in first line, and insert, "not exceeding thirty-nine stripes" for the commission of the following offences.

15th section, strike out "one-half of whom shall be slave holders," and insert, "of twelve good and lawful men, freeholders of the county."

In section 19, strike out after "time," in third line.

In sec. 20, add, "shall be entitled to receive the same fees and compensation that the clerk of the district court would be entitled to receive for similar services."

In 23rd section, insert in second line after "his," the words, "or her."

In 25th section, insert in third line, after "he," the words, "or the."

In 25th section, insert in sixth line, after "him," the words, "or her."

In 28th section, insert, "that the Chief Justices of the several counties shall have power to issue writs of certiorari in any case arising under this act."

The bill and amendments were then read, and the amendments severally adopted.

On motion of Mr. Tankersly, the rule was suspended, and the bill taken up for further consideration.

On motion, the rule was further suspended, bill read third time, and passed as amended.

Mr. Evans, chairman of the committee on Public Lands, reported that said committee had examined a bill for the relief of James Nelson and others, and return it to the House and ask to be discharged from its further consideration.

Report and bill received to come up in their order.

Mr. Flanagan, one of the committee on Engrossed Bills, reported that said committee had examined and find correctly engrossed, a bill to authorize Stephen P. Hollingsworth and his associates to construct a bridge across the Sabine river.

Report accepted.

Mr. Cannon, one of the committee on Engrossed Bills, reported that said committee had examined a bill to regulate proceedings in the District Courts, and find the same correctly engrossed.

Report accepted.

Mr. Tankersly, chairman of the committee on Enrolled bills, reported that said committee presented to His Excellency, the Governor, on the 29th inst., with the signatures of the Speaker of the House of Representatives and President of the Senate, for his approval, an act making appropriations to defray the expenses of the volunteers called into the service of the State for the protection of the frontier; and that they had examined an act to incorporate and establish St. Paul's College, and found it correctly enrolled.

Report accepted.

BILLS AND RESOLUTIONS.

Mr. Doom introduced a bill for the relief of Cyrus W. Ege-ry; read first time.

Mr. Doom moved to suspend the rule, in order that the bill might be further considered; lost.

Mr. Tankersly introduced a bill to authorize the Commissioner of the General Landoffice to issue duplicate certificates; read first time.

Mr. Crockett introduced a bill for the relief of A. D. Rice; read first time.

Mr. Tarver offered the following resolution:

Resolved, That this House will not entertain any new business after to-day.

Laid upon the table one day for consideration.

Mr. Howard introduced a bill to incorporate the town of Richmond; read first time.

On motion, rule suspended, bill read second time and ordered to be engrossed.

On motion, rule further suspended, bill read third time and passed.

A message was received from the Senate, informing the House that the Senate had passed—

A bill to incorporate the Andrew Female College ;

A bill to incorporate Bastrop Academy ;

A bill in relation to pardons for capital offences ;

A bill to repeal a joint resolution for the punishment of vagrants, approved January 10, 1839 ; and,

A bill to establish a system of common schools, originating in that body.

On motion of Mr. Tarver, the rule was suspended, and a bill for the relief of John Sise, and others therein named, was taken up and read ;

When Mr. Hartley offered the following amendment:

Insert in the caption "William McCoy," and in the body of the bill, "William McCoy, for six hundred and forty acres;" adopted.

Mr. Throckmorton then proposed the following amendment:

Add the name of "Larkin Adomson, assignee of George Joy, for six hundred and forty acres, and that the Commissioner issue to said Larkin Adomson a certificate for the same;" adopted.

Mr. Runnels offered the following amendment:

Add, "John Bostick, for six hundred and forty acres;" adopted.

Mr. Hamilton offered the following amendment:

Add, "and a certificate of six hundred and forty acres to Edward Morrison;" adopted.

Mr. Dunlap offered the following amendment:

Add, "and a certificate for one league and labor of land to the heirs of John Slighter;" adopted.

Mr. Tarver proposed the following amendment:

Add, "to James McRea, devisee of Archibald Swords, one third of a league of land;" adopted.

Mr. Fields offered the following amendment:

Amend the caption by adding the name of "G. C. Blackburn;" and first section by adding G. C. Blackburn, three hundred and twenty acres;" adopted.

Mr. Andrews offered the following amendment:

Add, "Thomas Dean, one-third of a league of land;" adopted.

Mr. Palmer offered the following amendment:

Add, "Francis Moore, Jr., augmentation of two-thirds of a

league;" and "Elizabeth Berry, one league and one labor;" adopted.

Mr. Flanagan moved the previous question, which was afterwards withdrawn.

Mr. Doom offered the following amendment:

Add, "Cyrus W. Egery, for one-third of a league of land;" adopted.

Mr. Neighbors offered the following amendment:

Add, and "Maria Jesusa Trevino, one league and labor;" adopted.

Mr. Hartley moved the previous question, upon which the yeas and nays were taken and stood thus:

YEAS—Messrs. Speaker, Bee, Charlton, Crockett, Dunlap, Evans of B., Evans of P., Hamilton, Hartley, Lawson, McDade, Palmer, Rains, Reid, Runnels, Speights, Stewart, Tarver, Taylor of H., Throckmorton and Westmoreland—21.

NAYS—Messrs. Andrews, Bryan of B., Browder, Cannon, Daggett, Doom, Edwards, Evans of A., Fields, Flanagan, Hardeman of N., A. J. Hood, Hooker, Hord, Johnson, Mabry, Maverick, McFarland, Neal, Neighbors, Patrick, Randolph, Rossy, Scott, Sims, Stapp, Tankersly, Taylor of F., Thomson, Turner and White—31.

So the House refused to order the previous question.

Mr. Daggett offered the following amendment:

Add "three hundred and twenty acres of land to Robert E. English;" adopted.

Mr. Hord offered the following amendment:

Amend the caption by inserting, "Andrew R. Jones, Mary Anthony, alias Mary Collins," and in the body of the bill insert, "Andrew R. Jones, three hundred and twenty acres of land; and Mary Anthony, alias Mary Collins, six hundred and forty acres of land;" adopted.

Mr. Mabry offered the following amendment:

Add, and "John A. Redfield, eleven hundred acres of land;" adopted.

Mr. Browder moved to lay the bill and amendments on the table; lost.

The previous question was again called for, and refused.

Mr. Evans of Austin offered the following amendment:

Add, "David Andrews, one league and labor of land;" adopted.

Mr. Randolph offered the following amendment:

Add, "to the heirs of Alfred Jackson, a certificate for six hundred and forty acres of land; and to Margaret Clark, a like

certificate for six hundred and forty acres of land;" adopted.

Mr. Charlton moved to lay the bill and amendments upon the table, upon which the yeas and nays were taken and stood thus:

YEAS—Messrs. Speaker, Bee, Bryan of B., Charlton, Crabb, Edwards, Evans of B., Evans of P., Fields, Hardeman of N., A. J. Hood, Hooker, Howard, Maverick, McFarland, Pollock, Reid, Rowe, Runnels, Sims, Speights, Stewart, Tarver, White and Wren—25.

NAYS—Messrs. Andrews, Browder, Cannon, Crockett, Daggett, Doom, Dunlap, Evans of A., Flanagan, Hamilton, Hartley, Johnson, Lawson, Mabry, Neal, Neighbors, Palmer, Patrick, Rains, Randolph, Rossy, Scott, Stapp, Tankersly, Taylor of F., Thomson, Throckmorton and Turner—28.

So the motion was lost.

Mr. Hartley offered the following amendment:

Add to the end of first section, "provided, that the Commissioner of the General Landoffice shall not issue a certificate to any of the above named persons who may have heretofore obtained a legal certificate for the quantity of land he or she was entitled by virtue of his or her immigration, except where the same is granted as an augmentation."

Mr. Tarver moved the previous question; carried.

The main question being the passage of the bill as amended, the yeas and nays were taken and stood thus:

YEAS—Messrs. Andrews, Charlton, Daggett, Doom, Dunlap, Evans of A., Flanagan, Hamilton, Hartley, Hardeman of C., Hord, Mabry, McDade, Neal, Neighbors, Palmer, Patrick, Rains, Scott, Stapp, Stewart, Tankersly, Tarver, Taylor of F., Thomson, Throckmorton and Westmoreland—27.

NAYS—Messrs. Speaker, Bee, Bryan of B., Browder, Cannon, Crabb, Crockett, Edwards, Evans of B., Evans of P., Fields, Hardeman of N., A. J. Hood, Hooker, Howard, Johnson, Jowers, Lawson, Maverick, McFarland, Pollock, Randolph, Reid, Rossy, Rowe, Sims, Speights, Turner, White and Wren—30.

So the bill was rejected.

The Speaker announced to the House that the hour had arrived for the consideration of a bill for the ascertainment of the outstanding liabilities of the late Republic of Texas, it having been set apart as a special order for to-day; after reading, on motion of Mr. Hamilton, the bill was laid on the table.

Mr. Hamilton then moved to take up the Senate's bill to extend the provisions of an act entitled an act to provide for as-

certaining the debt of the late Republic of Texas, approved March 20th, 1848; carried—and bill read first time.

Mr. Hamilton then moved to suspend the rule, in order that the bill might be further considered; upon which the yeas and nays were taken and stood thus:

YEAS—Messrs. Speaker, Andrews, Bryan of B., Crabb, Daggett, Doom, Dunlap, Evans of A., Fields, Flanagan, Hamilton, Hardeman of C., Howard, Mabry, McDade, McFarland, Patrick, Randolph, Reid, Rowe, Stapp, Stewart, Tankersly, Tarver, Taylor of F., Thomson, Throckmorton and White—28.

NAYS—Messrs. Cannon, Charlton, Edwards, Evans of B., Evans of P., Hartley, A. J. Hood, Hooker, Johnson, Jowers, Lawson, Maverick, Neighbors, Palmer, Pollock, Rains, Rossy, Runnels, Scott, Sims, Speights, Taylor of H., Turner and Wren—24.

So the House refused to suspend the rule.

On motion, the House proceeded to the consideration of the business on the Speaker's table, and

THE ORDERS OF THE DAY.

A resolution prescribing the length of time in which members shall address the House was read.

When Mr. Runnels moved to lay the resolution upon the table, upon which the yeas and nays were taken and stood thus:

YEAS—Messrs. Speaker, Andrews, Doom, Fields, Hamilton, Hardeman of C., Hardeman of N., A. J. Hood, Hooker, Hord, Howard, Johnson, McDade, Patrick, Randolph, Reid, Runnels, Sims, Tankersly, Tarver, Taylor of F., Taylor of H., Throckmorton, Turner, Westmoreland, White and Wren—26.

NAYS—Messrs. Bee, Bryan of B., Browder, Cannon, Charlton, Crabb, Crockett, Daggett, Edwards, Evans of B., Evans of A., Evans of P., Flanagan, Hartley, Jowers, Lawson, Mabry, Maverick, McFarland, Neal, Neighbors, Palmer, Pollock, Rains, Rossy, Scott, Speights, Stapp and Thomson—30.

So the House refused to lay on the table.

Mr. Neighbors proposed to amend as follows:

Add "that members be allowed the privilege of writing out their speeches and have them reported for publication;" which, on motion of Mr. Hamilton, was laid upon the table.

Mr. Bryan of B. then proposed to amend by striking out "ten," and inserting "thirty;" adopted.

The question then recurring upon the adoption of the resolution as amended, the yeas and nays were taken thereon and stood thus:

YEAS—Messrs. Speaker, Bryan of B., Cannon, Crockett, Daggett, Evans of A., Evans of P., Flanagan, Hartley, A. J. Hood, Lawson, Mabry, Maverick, McFarland, Neighbors, Palmer, Patrick, Scott, Stapp, Stewart, Taylor of H. and Thomson—22.

NAYS—Messrs. Andrews, Bee, Browder, Charlton, Crabb, Doom, Edwards, Evans of B., Fields, Hamilton, Hardeman of C., Hardeman of N., Hooker, Hord, Howard, Johnson, Jowers, McDade, Neal, Pollock, Rains, Randolph, Reid, Rossy, Rowe, Runnels, Sims, Speights, Tankersly, Tarver, Taylor of F., Throckmorton, Turner, Westmoreland, White and Wren—36.

So the resolution was rejected.

On motion, the House adjourned until 3 o'clock, P. M.

THREE O'CLOCK, P. M.

House met—roll called—quorum present.

A bill to provide for the investment of the special school fund in the bonds of railroad companies incorporated in this State, having been set apart as a special order for this hour, came up for consideration, and was read.

When Mr. Tankersly offered a substitute for the bill.

After reading the same, the Speaker decided that he conceived it out of order, as the substitute was irrelevant to the subject matter contained in the original bill.

Mr. Tankersly appealed from the decision of the chair.

The question was then put, will the House sustain the decision of the chair? and carried affirmatively.

Mr. Tarver then proposed the following amendment:

Strike out the "tenth, twelfth and thirteenth sections," as designated in the printed bill.

Mr. Hartley offered the following as a substitute for Mr. Tarver's amendment:

In thirteenth section, fifth line, after the words "in the name of the State," insert, "provided that the Governor, either in person or by attorney, shall not bid more for such railroad property and assets, than the amount of the special school fund, together with all interests due thereon, which shall have been invested in the bonds of such company, and which shall be so invested at the time of such bidding."

Mr. White in the chair.

A message was received from the Senate, informing the House that the Senate had passed

A bill to prevent stallions and jacks from running at large;

A bill for the relief of the heirs of Stacy Dailey;

A bill supplementary to an act regulating fees of office;

A bill for the relief of Wm. E. Howth, and had concurred in the amendments of the House to the bill concerning offences committed by negroes.

On motion of Mr. Tarver, the House adjourned until half-past 9 o'clock, to-morrow morning.

AUSTIN, Tuesday, February 1, 1853.

House met—roll called—quorum present.

Absentees: Messrs. Bee, Bryan of Brazoria, Browder, Coles, Crockett, Edwards, Evans of Austin, Hamilton, Hooker, Howard, Jowers, Neal, Neighbors, Randolph, Rowe, Scott, Sims, Tankersly and Titus.

PETITIONS.

Mr. Doom presented the petition of James A. and Dicy Craige, praying relief; referred to the committee on Private Land Claims, No. 2.

Mr. Stapp presented the petition of John Mills, praying relief; referred to committee on Private Land Claims, No. 2.

Mr. Throckmorton presented the memorial of sundry medical gentlemen, praying the incorporation of the "Texas Medical Association;" referred to a Select committee composed of Messrs. Throckmorton, Jowers and Taylor of Harrison.

Mr. Palmer presented the petitions of John Carr and Jesse C. Phelon; referred to the committee on Private Land Claims, No. 2.

REPORTS OF STANDING COMMITTEES.

The committee on the Judiciary made the following report:

COMMITTEE ROOM, February 1, 1853.

To the Hon. DAVID C. DICKSON,

Speaker of the House of Representatives:

The committee on the Judiciary, to whom was referred a bill to be entitled an act to enable Fisher & Miller to perfect titles to the land for which certificates have been issued to them, within the limits of Fisher & Miller's Colony, have considered the same, and a majority of the committee have instructed me to report the bill back to the House and recommend its passage. All of which is respectfully submitted.

B. E. TARVER, Chairman.

The committee on Finance made the following report: